



*"Service with Excellence
& Integrity"*

Arkansas Department of Community Correction

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ADMINISTRATIVE DIRECTIVE: 11-08 CODE OF ETHICS AND RULES OF CONDUCT

TO: DEPARTMENT OF COMMUNITY CORRECTION EMPLOYEES

FROM: DAVID EBERHARD, DIRECTOR

SUPERSEDES: AD 09-15

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APPROVED: _____ Signature on File

EFFECTIVE: July 29, 2011

I. APPLICABILITY. The Code of Ethics and Rules of Conduct described herein comprises the standards of conduct by which all employees of the Department of Community Correction (DCC) are to be governed.

II. POLICY. It is DCC policy to create and maintain a secure, professional, and productive work environment, where employees conduct themselves in a manner that does not impair the operation of the DCC, compromise their authority, or erode public confidence; obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others. This policy and associated guidance do not create a contract of employment or any legally enforceable interest or limit the Director's or his designee's authority to establish or revise human resource policies or affect DCC's right to terminate employment pursuant to the at-will employment doctrine.

III. GUIDELINES. The Code of Ethics and Rules of Conduct (Code), Attachment 1, represents DCC's commitment to ethical and efficient provision of services. It describes the expected behavior of DCC employees providing services, and supports the culture of ethical and efficient service provided to citizens and clients. Supervisors must provide a copy or access to a copy of this policy initially and again during performance reviews. The employee must sign and date the "Code of Ethics and Rules of Conduct Acknowledgement Statement" form. Supervisors must send the signed original with the performance evaluation to the DCC Central Office, Human Resources Section to be placed in the employee's personnel file.

IV. ATTACHMENTS.

Attachment 1 Code of Ethics and Rules of Conduct

AD 11-08 Form 1 Acknowledgment of the Code of Ethics and Rules of Conduct

**Arkansas Department of Community Correction
CODE OF ETHICS AND RULES OF CONDUCT**

CODE OF ETHICS

- 1. Primary Mission of DCC Employees.** The DCC mission is “To enhance public safety by encouraging a crime-free lifestyle and providing cost-effective evidence-based programs in the supervision and treatment of adult offenders.” To further the mission, each employee is expected to make a dedicated effort to conduct his/her official and private life in a manner that fosters public confidence in DCC.
- 2. Conduct Toward All Persons.** The DCC subscribes to a policy of professionalism, equality, and fairness in the provision of services and the discharge of authorized duties. An employee shall respect and protect the civil and legal rights of all persons. Employees shall treat offenders with dignity and shall not verbally, physically or mentally abuse them or subject them to corporal punishment, humiliation, or punitive interference with their daily functions of living, such as eating or sleeping. The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the DCC. Corporal punishment is striking, pushing, shoving, kicking, improperly using chemicals or engaging in any act to cause bodily pain and discomfort to an individual, for the purpose of disciplining or correcting that individual’s behavior. This Code provision in no way prohibits a staff member from using that force necessary to protect himself from injury; to prevent injury to other employees or residents; to prevent property damage or escape; or to achieve compliance with a reasonable and lawful order. (4-ACRS-6A-03)
- 3. Cooperation with Public Officials and Agencies.** An employee shall cooperate fully with other public officials and agencies in the discharge of authorized duties.
- 4. Conflict of Interest.** Public employment is a public trust. An employee shall not attempt to realize personal gain or secure privileges or exemptions through the discharge of his/her duties for him/herself or others. Employees should not engage in activities that would result in a conflict of interest between the DCC, its governing body, funding source, staff, contractors, and/or volunteers. DCC employees must perform their duties in an ethical manner, and must not use their positions or knowledge gained from their positions for private or personal advantage. Arkansas Code Annotated (ACA) §21-8-304 also lists certain activities that are ethically prohibited activities for state employees and officials. If an employee becomes involved in a prohibited activity, the employee should immediately communicate the facts to his/her immediate supervisor. Nothing in this policy, however, should be construed as limiting communications between DCC employees and their elected officials (3-3068).

5. Outside Activities, Employment, and Directorships. DCC employees should avoid acquiring any business interest, engaging, or participating in outside employment or activity that would conflict with his/her official duties.

6. Relationships.

- a. Professional Clients and Suppliers. Employees must adhere to ACA §19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with ACA §19-11-706 and the Rules and Regulations for Implementing Governor's Executive Order 98-04.
- b. Offenders and Co-workers
 - (1) An employee shall not engage in sexual contact during assigned work hours or while on DCC premises or in DCC vehicles. Intimate contact between DCC employees while on duty is prohibited.
 - (2) An employee shall not enter into business relationships or partnerships, including financial transactions, with an offender or his/her family member while the offender is in DCC custody or under DCC supervision, unless the employee and offender are related.
 - (3) The employee shall not enter into or continue associations or dealings with persons whom the employee knows or should know are reputed to be involved in current felonious or criminal behavior, with exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable.
 - (4) An employee shall not knowingly establish or continue a social relationship with an offender as long as the offender is in DCC custody or under its supervision and for two years following the offender's release from custody or supervision unless the employee and offender are related.
 - (5) Any sexual act or sexual contact between an employee and an offender—with or without consent—is expressly prohibited and is a violation of criminal law, unless the employee is the spouse of the offender under DCC supervision. Sexual contact includes, but is not limited to, touching, ogling, or requiring some sexual performance for sexual gratification—even if it does not involve touching.
- c. Supervisor and Subordinates. Business and intimate personal relationships between supervisors and subordinates are prohibited. Personal relationships shall include dating, cohabitation, touching, ogling, requiring some sexual performance for sexual gratification—even if it does not involve touching, and sexual relationship. Business relationships include loaning and borrowing money and business partnerships. DCC employees at different levels of the same chain of supervision shall not engage in social relationships that are prejudicial to or compromising of good order and discipline.

7. **Gifts, Entertainment, Favors, and Gratuities.** An employee shall not solicit, demand, accept or agree to accept any personal gift, entertainment, favor, gratuity or preferential treatment that could be reasonably interpreted as influencing the employee's judgment or decisions in the discharge of his or her duties. (3-3069)
8. **Kickbacks and Prohibited Commissions.** DCC employees must not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law.
9. **Organizing Funds and Other Assets.** Employees who have access to DCC funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide or other explanatory materials, or both. If an employee has knowledge of fraud or waste of public assets, the employee should immediately advise his/her immediate supervisor.
10. **Organization Records and Communications.** Employees must not make or engage in any false record or communication, internal or external, such as false expense, attendance, production, financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. DCC books and records must reflect accurate and timely recording of all business transactions. Full disclosure of DCC assets, liabilities, receipts and disbursements must be made.
11. **Dealing with Outside People and Organizations.** Employees must not use their position or affiliation with DCC when communicating regarding matters not involving DCC business. Employees must not use organization identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve DCC business, employees must not speak for DCC on any topic, unless they are certain that the views they express are those of DCC management, and that it is DCC management's desire that such views be expressed publicly. When dealing with anyone outside DCC, including public officials, employees must take care not to compromise the integrity or damage the reputation of DCC or any other entity.
12. **Partisan Political Activity.** Employees are encouraged to participate in election processes on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee shall not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the state of Arkansas. Political banners, posters, literature, or any other political materials shall not be displayed on State property (4-ACRS-7E-13).
13. **Prompt Communications.** DCC employees shall respond promptly and accurately to all requests for information and complaints regardless of the source, and pursuant to agency policy.

14. Privacy and Confidentiality. An employee shall not disclose to any unauthorized person any information declared by law, policy, or regulation to be confidential nor use such information for his or her personal gain or benefit. When handling financial and personal information about those with whom DCC has dealings, the following principles will be observed:

- a. Collect, use and retain only the personal information necessary for DCC business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- b. Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
- c. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purposed should be made by management in response to a Freedom of Information Act request. Any tax information that is confidential pursuant to ACA §26-18-303 should not be disclosed, except as allowed by law.

15. Discriminatory Behavior Prohibited. The DCC does not condone, permit or tolerate discrimination of persons--whether other employees, applicants, offenders, or members of the public. An employee or agent of the DCC who knowingly permits, engages in or incites illegal discrimination, interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action up to and including termination of DCC employment. The agency's full non-discrimination policy statement is located in the "Equal Employment Opportunity and Affirmative Action Program" policy.

16. Professionalism. While on the job, an employee shall demonstrate professionalism as follows:

- a. Courteous, Patient, and Respectful Attitudes. An employee shall be patient, courteous, and respectful when dealing with other employees and the public. An employee shall be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in inappropriate arguments even in the face of provocation.
- b. Inappropriate Language and Gestures. An employee shall not use violent, profane, or insolent language or gestures.
- c. Inappropriate Actions. An employee shall not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual.

- 17. Private Conduct.** An employee shall conduct him/herself at all times, both on and off the job, in such manner as to reflect favorably on the DCC. Conduct unbecoming an employee shall include that conduct which damages the image of the DCC as a law enforcement/criminal justice agency or reflects discredit upon the character of the employee as a member of the DCC, or which impairs DCC operations.
- 18. Conformance to Laws and Rules.** An employee shall not commit or omit acts which he or she knows, or should know, would constitute a violation of any written rules, regulations, procedures, directives, memorandums, or DCC orders. An employee shall strive to obey all the laws and regulations of the United States and of the State and local jurisdiction in which the employee is present. DCC will not condone employee conduct that either violates or has the appearance of violating the law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery, etc. Since the conduct of a DCC employee, on or off duty, may reflect upon the DCC as a law enforcement/criminal justice agency, an employee must conduct him/herself in a manner that does not impair the operation or integrity of the Department or cause the public to lose confidence in it. Accordingly, an employee arrested for a violation of law shall immediately report that fact to a member of his/her supervisory chain. A conviction or admission of any violation that interferes with or impairs an employee's duties, public trust, or the operations or efficiency of the DCC shall be considered some evidence constituting a violation of this policy. However, lack of a criminal complaint, charge, or disposition, or an acquittal of a violation of law, shall not preclude internal administrative investigation and disciplinary action.
- 19. Employees Responsibilities.** Employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of DCC resources that can be verified through investigation. Employees are also responsible for being familiar and complying with the Code of Ethics and Rules of Conduct, and annually acknowledging their awareness (by signature) and understanding of it.

RULES OF CONDUCT

- 20. Punctuality.** An employee shall be punctual in all his or her official engagements.
- 21. Reporting for Duty.** An employee shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she shall be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
- 22. Area of Assignment.** An employee assigned a Community Correction Center function shall not leave any post, assignment, duty, or area without permission from his/her supervisor.
- 23. Absenteeism.** An employee shall not falsely report illness or injury, misuse sick leave or otherwise deceive or attempt to deceive agency officials as to the conduct of his/her health.

- 24. Work Performance.** In fulfilling job responsibilities, an employee shall act competently, with reasonable diligence, and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when they are not clear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to immediate and severe discipline.
- 25. State Property.** State property shall be used only for State business. An employee shall accept responsibility for the proper care, accountability, and maintenance of State property. An employee shall not misuse, abuse, or allow misuse or abuse of State property.
- 26. Gathering and Processing Property and Evidence.** Property or evidence that has been discovered, gathered or received in connection with DCC responsibilities will be processed in accordance with established DCC procedures. An employee shall not convert to his or her own use, or manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- 27. Employee Telephone Numbers.** An employee shall notify his or her supervisor within seventy-two (72) hours of a change in the employee's home/cell telephone number. Employees shall not give other employees' non-work telephone numbers to other non-employees.
- 28. Changes in Employee's Personal Information and Attributes.** Employees must promptly notify their supervisor of changes in phone numbers, address, emergency contacts, and any Living Disaster Recovery Planning System attributes.
- 29. Attentiveness.** An employee shall remain alert at all times during business hours.

 - a. **Prohibition of Sleeping.** An employee shall remain awake while on duty and during lunch and break periods while in public areas on DCC property. If unable to do so, and in danger of falling asleep, he or she shall report to a supervisor, who shall immediately release the employee from duty, and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. **Inattentiveness.** While on duty, an employee shall not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.
- 30. Insubordination.** An employee shall promptly obey any lawful order of, and follow all reasonable instructions issued by, a supervisor or superior.
- 31. Truthfulness.** An employee responding to various persons involved in agency fact-finding or other internal or external administrative processes shall cooperate fully and truthfully. Furthermore, reports submitted by an employee will be truthful, complete,

timely, and in accordance with established DCC report writing procedures. No employee shall knowingly enter or cause to be entered inaccurate, false or improper information nor improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.

- 32. Abuse of Process.** An employee shall not knowingly make false accusations of employee misconduct or initiate any action against other employees or offenders in retaliation for their filing of a lawsuit or grievance or for any other purpose.
- 33. Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling and/or debt consolidation to avoid garnishments. Failure to honor debts acknowledged by a DCC employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments, for different debts, against an employee's wages will subject an employee to progressively, more severe disciplinary action. Four garnishments - each for a different debt - within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (e.g., employee co-signed for a relative), disciplinary action may be reduced accordingly. However, DCC will in no circumstance act as a collection agency or determine the validity or amount of contested debts. The existence of large amounts of unresolved debt can justly or unjustly make an employee vulnerable to conflict-of-interest charges and should be avoided.
- 34. Possession and Use of Drugs.** An employee shall not possess or use any controlled substance in violation of State or federal law or DCC policy. Employees taking prescription drugs shall notify their immediate supervisor if any physical or pharmacological condition exists which causes physical or emotional impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take sick leave if the medication prevents the employee from doing his or her job.
- 35. Use of Alcohol While on the Job.** An employee shall not perform duties under the influence of intoxicants nor consume intoxicants during work hours, on or off state-owned or state leased property, including lunch and break periods.
- 36. Citizen Complaints and Requests for Information.** An employee shall courteously and promptly accept and, if needed, record in writing any request for information about, or citizen complaint against, the agency or any DCC employee. An employee may attempt to resolve a complaint, but shall never attempt to dissuade any citizen from lodging a complaint and shall immediately inform his or her supervisor of any complaint. All requests for information shall be handled pursuant to DCC policy and procedure.

- 37. Abusive/Intimidating Behavior and Harassment.** Physical abuse of other employees, offenders, or other persons is prohibited. Fighting, assault, battery, threats, abusive language, intimidation, harassment, sexual misconduct, reckless or disorderly conduct or conduct which places employees or other persons in fear of harm is prohibited. (4-ACRS-6A-05)
- 38. Firearms and Other Weapons.** The unauthorized possession of firearms, explosives, or other weapons during work hours is prohibited.
- 39. Contraband.** The introduction of any illegal or unauthorized item or authorized item which is considered in excess (e.g., personal cell phones or other communication devices, tobacco products, weapons, etc.) into a Community Correction Center is forbidden.
- 40. Safety.** Employees must observe fire prevention and other safety rules. The employee must also drive carefully and avoid accumulating excessive points on his/her driving record, otherwise, the employee may be prohibited from using a State vehicle, receiving personal vehicle mileage reimbursement, or be terminated if driving is an essential function of the job.
- 41. Travel Reimbursement.** Employees who travel on agency business must ensure that their travel plans have advance approval from their supervisor and that travel reimbursement requests are reasonable, accurate, and made in compliance with DCC policy.



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TO: Department of Community Correction Human Resources Section

FROM: DCC Supervisor _____

RE: DCC Employee _____

Acknowledgment of the Code of Ethics and Rules of Conduct

DATE: _____

I understand that the Code of Ethics and Rules of Conduct (Code) policy referenced above is located on the DCC EagleNet intranet site and is available for my review or printing during business hours. My supervisor and I have reviewed and discussed the Code. I understand it is my responsibility to read it thoroughly and ask questions of my supervisor if I don't understand it. I understand that my signature on this document indicates that I have read and fully understand the prohibited activities and my professional ethical conduct responsibilities as an employee of the DCC. I further understand that nothing contained in DCC policies, handbooks, applications and other documents, or the granting of any interview, or the placement in a probationary status, or any other administrative act, creates a contract between myself and the DCC for either employment or the provision of benefits.

I have signed and dated this acknowledgment and understand it will be maintained in my personnel file in the Human Resources Section.

Employee Signature

Supervisor Signature

Date

Date

NOTE TO SUPERVISOR

Supervisors must provide a copy or access to a copy of the policy initially and again during performance reviews. The employee must sign and date the "Code of Ethics and Rules of Conduct Acknowledgement Statement" form. Supervisors must send the signed original with the performance evaluation to the DCC Central Office, Human Resources Section to be placed in the employee's personnel file.

AD 11-08 Form 1